

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

## **MEMORANDUM AND ORDER**

Federal prisoner James Robinson filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on August 31, 2015 [Doc. 70]. This Court denied that motion in a Memorandum Opinion and Judgment Order entered on January 13, 2016 [Docs. 75, 76; E.D. Tenn. Case No. 3:15-cv-392-TAV]. On May 30, 2017, Mr. Robinson filed a pro se motion for leave to file a second or successive petition attacking the same criminal conviction. Review of that motion [Doc. 92] convinces this Court that he intended that the document reach the Sixth Circuit for evaluation.

Under the “Antiterrorism and Effective Death Penalty Act of 1996,” a petitioner cannot file a second or successive § 2255 petition in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h). No such order has been received by this Court. Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** Mr. Robinson’s motion for leave to submit a second or successive petition [Doc. 92] to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

## **ORDER ACCORDINGLY.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE